

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-5176-2019 (O&M)
Date of Decision: 26.02.2019**

Subhash Cand

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. D.S. Nain, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Instant petition has been filed seeking a mandamus to direct the respondents to pay to him a compensation amount of Rs.10 lakhs on account of injuries suffered in an accident that is stated to have taken place on 30.10.2017 involving a stray animal.

As per averments, on 30.10.2017, petitioner was proceeding along with his son on a motorcycle bearing registration No.HR-08-K-7449 to his fields when suddenly a Neel Gain (Roz) came on the road and struck against the motorcycle and on account of which the petitioner suffered various injuries.

Counsel has adverted to the documents appended as Annexures P-2 to P-18 to assert that petitioner has remained admitted in different hospitals for getting necessary treatment for the injuries that he had suffered and has undergone substantial expense.

Reliance has also been placed upon a judgment of this Court rendered by a Coordinate Bench in **Sushma Rani Vs. State of Punjab &**

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others (CWP-23932-2015) decided on 24.02.2016 to contend that it was the

duty of the State Authorities to ensure that no stray animal comes on a public path and if an accident has taken place on account of the motorcycle being driven by the petitioner having struck against such stray animal, compensation ought to be awarded.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the prayer of the petitioner for award of compensation cannot be gone into by this Court in the instant petition filed under Articles 226/227 of the Constitution of India.

The writ petition raises questions of fact. There is no document/ evidence on record that would connect the injuries suffered by the petitioner to the accident involving a stray animal/Neel Gain. In the judgment cited by the petitioner in **Sushma Rani's case (supra)**, the Court had proceeded on the premises that the petitioner's husband therein had died only on account of the injuries suffered involving a stray animal i.e. a bull.

The instant writ petition is disposed of in terms of granting liberty to the petitioner to avail of any other appropriate civil proceedings as may be available in accordance with law.

Disposed of.

26.02.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |